

Senate File 2249 - Introduced

SENATE FILE 2249
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3096)

A BILL FOR

1 An Act relating to unemployment benefits and including
2 effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 14.1 State publications —
2 unemployment rates.

3 1. For the purposes of this chapter:

4 *a. "Nonparticipating workforce rate"* means the portion of
5 the population that is not employed or earnestly and actively
6 seeking work as described in section 96.4, subsection 3.

7 *b. "Workforce term"* means the nonparticipating workforce
8 rate, the state unemployment rate, or the number of known,
9 available jobs in Iowa as published by the department of
10 workforce development.

11 2. When a state agency makes a reference to the state
12 unemployment rate in an official written statement from the
13 agency or a report or other document that is published and
14 available to the public, the agency shall include a reference
15 to the nonparticipating workforce rate.

16 3. When the department of workforce development makes a
17 reference to a workforce term in an official written statement
18 or a report or other document that is published and available
19 to the public, the department of workforce development shall
20 also reference each other workforce term.

21 Sec. 2. Section 96.1A, subsection 18, unnumbered paragraph
22 1, Code 2022, is amended to read as follows:

23 *"Exhaustee"* means an individual who, with respect to any
24 week of unemployment in the individual's eligibility period
25 has received, prior to such week, all of the regular benefits
26 that were available to the individual under **this chapter** or any
27 other state law, including ~~dependents' allowances and~~ benefits
28 payable to federal civilian employees and former armed forces
29 personnel under 5 U.S.C. ch. 85, in the individual's current
30 benefit year that includes such weeks. Provided that for the
31 purposes of **this subsection** an individual shall be deemed to
32 have received all of the regular benefits that were available
33 to the individual, although as a result of a pending appeal
34 with respect to wages that were not considered in the original
35 monetary determination in the individual's benefit year the

1 individual may subsequently be determined to be entitled to add
2 regular benefits, or:

3 Sec. 3. Section 96.1A, Code 2022, is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. 34A. "*Statewide average unemployment rate*"
6 means the average seasonally adjusted unemployment rate as
7 published by the department in the third week of the month
8 prior to the current calendar month.

9 NEW SUBSECTION. 43. "*Work search*" means any of the
10 following:

11 a. Applying for a job by submitting a resume or application
12 to a potential employer in person, through the mail, by
13 electronic means, or by fax transmission.

14 b. Interviewing for a job virtually or in person.

15 c. Taking a civil service exam.

16 d. Taking a military aptitude exam.

17 Sec. 4. Section 96.3, subsection 4, Code 2022, is amended
18 to read as follows:

19 4. *Determination of benefits.*

20 ~~a. With respect to benefit years beginning on or after July~~
21 ~~1, 1983, an~~ An eligible individual's weekly benefit amount for
22 a week of total unemployment shall be an amount equal to the
23 following fractions of the individual's total wages in insured
24 work paid during that quarter of the individual's base period
25 in which such total wages were highest. The director shall
26 determine annually a maximum weekly benefit amount equal to
27 the following percentages, to vary ~~with the number of~~ based on
28 whether the individual has dependents, of the statewide average
29 weekly wage paid to employees in insured work which shall be
30 effective the first day of the first full week in July:

31 If the	The weekly	Subject to
32 number of	benefit amount	the following
33 dependents	shall equal	maximum
34 is:	the following	percentage of
35	fraction of high	the statewide

1	quarter wages:	average
2		weekly wage:
3 0	1/23	53%
4 1 <u>or more</u>	1/22	55% <u>57%</u>
5 2	1/21	57%
6 3	1/20	60%
7 4 or more	1/19	65%

8 *b.* The maximum weekly benefit amount, if not a multiple
9 of one dollar, shall be rounded to the lower multiple of one
10 dollar. ~~However, until such time as sixty-five percent of~~
11 ~~the statewide average weekly wage exceeds one hundred ninety~~
12 ~~dollars, the~~ The maximum weekly benefit amounts shall be
13 determined using the statewide average weekly wage computed on
14 the basis of wages reported for the current calendar year ~~1981~~.
15 ~~As used in this section, "dependent" means dependent as defined~~
16 ~~in section 422.12, subsection 1, paragraph "a", as if the~~
17 ~~individual claimant was a taxpayer, except that an individual~~
18 ~~claimant's nonworking spouse shall be deemed to be a dependent~~
19 ~~under this section. "Nonworking spouse" means a spouse who does~~
20 ~~not earn more than one hundred twenty dollars in gross wages~~
21 ~~in one week.~~

22 Sec. 5. Section 96.3, subsection 5, paragraph a, Code 2022,
23 is amended to read as follows:

24 *a. Duration of benefits.*

25 (1) The maximum total amount of benefits payable to an
26 eligible individual during a benefit year shall not exceed the
27 total of the wage credits accrued to the individual's account
28 during the individual's base period, ~~or twenty-six times the~~
29 ~~individual's weekly benefit amount, whichever is the lesser.~~

30 (2) Additionally, the maximum total amount of benefits
31 payable to an eligible individual during a benefit year shall
32 not exceed the following, calculated on the date the individual
33 applied for benefits:

34 (a) Twelve times the individual's weekly benefit amount if
35 the statewide average unemployment rate is at or below four

1 percent.

2 (b) One additional multiple of the individual's weekly
3 benefit amount for each increment of one percent the statewide
4 average unemployment rate is above four percent, up to a
5 maximum of sixteen times the individual's weekly benefit
6 amount.

7 (c) However, if the governor has declared a statewide
8 disaster emergency pursuant to section 29C.6, the amount shall
9 instead be twenty times the individual's weekly benefit amount
10 for the duration of the emergency.

11 (d) However, if the state "off" indicator is in effect and
12 if the individual is laid off due to the individual's employer
13 going out of business at the factory, establishment, or other
14 premises at which the individual was last employed, the maximum
15 benefits payable as provided in subparagraph division (a), (b),
16 or (c), as applicable, shall be extended by fifty percent of
17 the amount provided in subparagraph division (a), (b), or (c),
18 as applicable.

19 (3) If, on the date an individual exhausts all benefits
20 payable to the individual, the statewide average unemployment
21 rate has increased so that the maximum total amount of benefits
22 for benefit applicants on that date is greater than the maximum
23 amount determined for the individual pursuant to subparagraph
24 (2), then the individual shall receive additional multiple
25 weekly benefits to make up the difference.

26 (4) The director shall maintain a separate account for
27 each individual who earns wages in insured work. The director
28 shall compute wage credits for each individual by crediting the
29 individual's account with one-third of the wages for insured
30 work paid to the individual during the individual's base
31 period. However, the director shall recompute wage credits
32 for an individual who is laid off due to the individual's
33 employer going out of business at the factory, establishment,
34 or other premises at which the individual was last employed, by
35 crediting the individual's account with one-half, instead of

1 one-third, of the wages for insured work paid to the individual
 2 during the individual's base period. Benefits paid to an
 3 eligible individual shall be charged against the base period
 4 wage credits in the individual's account which have not been
 5 previously charged, in the inverse chronological order as the
 6 wages on which the wage credits are based were paid. However
 7 ~~if the state "off" indicator is in effect and if the individual~~
 8 ~~is laid off due to the individual's employer going out of~~
 9 ~~business at the factory, establishment, or other premises at~~
 10 ~~which the individual was last employed, the maximum benefits~~
 11 ~~payable shall be extended to thirty-nine times the individual's~~
 12 ~~weekly benefit amount, but not to exceed the total of the wage~~
 13 ~~credits accrued to the individual's account.~~

14 Sec. 6. Section 96.3, subsection 5, paragraph b,
 15 subparagraph (3), Code 2022, is amended to read as follows:

16 (3) The training extension benefit amount shall be
 17 ~~twenty-six times a multiple of~~ the individual's weekly
 18 benefit amount provided in paragraph "a", subparagraph (2),
 19 subparagraph division (a), (b), or (c), as applicable, and the
 20 weekly benefit amount shall be equal to the individual's weekly
 21 benefit amount for the claim in which benefits were exhausted
 22 while in training.

23 Sec. 7. Section 96.4, subsection 3, Code 2022, is amended
 24 to read as follows:

25 3. a. The individual is able to work, is available for
 26 work, and is earnestly and actively seeking work.

27 b. (1) A person shall be required, at a minimum, to meet
 28 the following requirements to be deemed earnestly and actively
 29 seeking work:

30 (a) If the number of available jobs is at or above sixty
 31 thousand, the person must complete a minimum of six work
 32 searches for each week the person applies for benefits.

33 (b) If the number of available jobs is at or above fifty
 34 thousand but below sixty thousand, the person must complete a
 35 minimum of five work searches for each week the person applies

1 for benefits.

2 (c) If the number of available jobs is below fifty thousand,
3 the person must complete a minimum of four work searches for
4 each week the person applies for benefits.

5 (2) A work search shall not satisfy the requirements of this
6 paragraph if the individual previously applied for the same
7 position within the most recent four weeks.

8 (3) If the individual has received six or more payments of
9 benefits for a benefit year, at least half of the individual's
10 work searches shall be from a list of known available jobs
11 provided by the department pursuant to section 96.33.

12 (4) For the purposes of this paragraph, "the number of
13 available jobs" means the number of jobs listed as available as
14 published by the department on the most recent third calendar
15 week of a month.

16 c. This subsection is waived if the individual is deemed
17 partially unemployed, while employed at the individual's
18 regular job, as defined in section 96.1A, subsection 37,
19 paragraph "b", subparagraph (1), or temporarily unemployed
20 as defined in section 96.1A, subsection 37, paragraph "c".
21 The work search requirements of this subsection and the
22 disqualification requirement for failure to apply for, or
23 to accept suitable work of section 96.5, subsection 3, are
24 waived if the individual is not disqualified for benefits under
25 section 96.5, subsection 1, paragraph "h".

26 ~~b.~~ d. Notwithstanding any provision of this chapter to the
27 contrary, the department may establish by rule a process to
28 waive or alter the work search requirements of this subsection
29 for a claim for benefits if an individual has a reasonable
30 expectation that the individual will be returning to employment
31 and is attached to a regular job or industry or a member in
32 good standing of a union therein eligible for referral for
33 employment. To be considered attached to a regular job or
34 industry, an individual must be on a short-term temporary
35 layoff. If work is not available at the conclusion of the

1 layoff period due to short-term circumstances beyond the
 2 employer's control, the employer may request an extension
 3 of the waiver or alteration for up to two weeks from the
 4 department. For purposes of this paragraph, "*short-term*
 5 *temporary layoff*" means a layoff period of sixteen weeks or
 6 less due to seasonal weather conditions that impact the ability
 7 to perform work related to highway construction, repair, or
 8 maintenance with a specific return-to-work date verified by the
 9 employer.

10 Sec. 8. Section 96.4, Code 2022, is amended by adding the
 11 following new subsections:

12 NEW SUBSECTION. 8. The individual has satisfied a single
 13 one-week waiting period during the individual's benefit year.
 14 To satisfy the one-week waiting period, the individual, with
 15 respect to the week in question, must otherwise be eligible
 16 for benefits from this state, must not have received or have
 17 payable benefits from this state, and must not be eligible for
 18 benefits from another state.

19 NEW SUBSECTION. 9. The individual has completed one search
 20 activity each week from a list of permissible search activities
 21 as designated by the department. This shall be in addition
 22 to the requirements under subsection 3. A search activity
 23 shall only meet the requirements of this subsection if the
 24 individual has not previously performed that type of search
 25 activity during the individual's benefit year in order to
 26 remain eligible under this subsection. The department shall
 27 adopt rules to implement this subsection.

28 NEW SUBSECTION. 10. The individual has listed the email
 29 address and the identification number the individual received
 30 pursuant to section 96.33 on each application the individual
 31 has used to satisfy the requirements of this section.

32 NEW SUBSECTION. 11. The individual has performed at
 33 least twenty hours of civic work each week as defined by the
 34 department by rule. Civic work shall include but not be
 35 limited to roadside trash pickup, public building and park

1 beautification projects, and volunteering at public schools.
2 This subsection shall only apply if the individual has received
3 sixteen or more payments of benefits for a benefit year and the
4 individual is eligible to receive additional payments pursuant
5 to section 96.3, subsection 5, paragraph "a", subparagraph (1),
6 subparagraph division (c).

7 Sec. 9. NEW SECTION. **96.33 Applicant auditing.**

8 1. The department shall conduct audits of the information
9 an individual provides to satisfy the requirements of section
10 96.4 at a minimum once each month to ensure the individual is
11 meeting all eligibility requirements for benefits. Audits
12 conducted pursuant to this section shall include but not be
13 limited to sending a form to employers who the individual
14 claims to have interviewed with for employment for the purpose
15 of collecting all of the following information:

16 a. The employer's employer identification number.

17 b. The individual's identification number provided by the
18 department pursuant to subsection 2.

19 c. The date the employer received the individual's
20 application.

21 d. Whether the individual appeared for the interview.

22 e. Whether the individual rejected an offer of employment
23 for the position for which the individual was applying.

24 f. The date the individual rejected an offer of employment,
25 if any.

26 g. The title, wage, and estimated weekly salary for the
27 position for which the individual was applying.

28 2. Upon initially determining an individual is eligible for
29 benefits, the department shall issue an identification number
30 and an email address to the individual. The email address
31 shall be accessible to both the individual and the department
32 and shall be the individual's primary source of receiving
33 emails for work searches the individual uses to satisfy the
34 requirements of section 96.4.

35 3. The department shall provide on a weekly basis to an

1 individual applying for benefits a list of known available
2 jobs within a fifty-mile radius of the applicant's residence
3 in fields related to the employment the applicant had within
4 the most recent ten years, in fields which the applicant
5 has identified an interest, or that require skills that the
6 applicant claimed to have when applying for benefits.

7 Sec. 10. Section 96.5, subsection 3, paragraph a,
8 subparagraph (1), subparagraph divisions (a), (b), (c), and
9 (d), Code 2022, are amended to read as follows:

10 (a) One hundred percent, if the work is offered during the
11 first ~~five~~ four weeks of unemployment.

12 (b) Seventy-five percent, if the work is offered during the
13 ~~sixth~~ fifth through the ~~twelfth~~ eighth week of unemployment.

14 (c) Seventy percent, if the work is offered during the
15 ~~thirteenth~~ ninth through the ~~eighteenth~~ twelfth week of
16 unemployment.

17 (d) Sixty-five percent, if the work is offered after the
18 ~~eighteenth~~ twelfth week of unemployment.

19 Sec. 11. DEPARTMENT OF WORKFORCE DEVELOPMENT —

20 UNEMPLOYMENT INSURANCE RULES. The department of workforce
21 development shall adopt or amend its administrative rules
22 pursuant to chapter 17A to provide for all of the following:

23 1. Set the number of search activities acceptable to meet
24 the requirements of section 96.4, subsection 9, to sixteen
25 different types of activities.

26 2. Allow employers to protest a payment of unemployment
27 benefits and protest and sign a notice of claim electronically
28 using a form created by the department.

29 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,
30 2023.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to unemployment benefits.

35 The bill defines "nonparticipating workforce rate" as the

1 portion of the population that is not employed or earnestly
2 and actively seeking work. The bill defines "workforce
3 term" as the nonparticipating workforce rate, the state
4 unemployment rate, or the number of known, available jobs in
5 Iowa as published by the department of workforce development
6 (IWD). The bill requires that, when a state agency makes a
7 reference to the state unemployment rate in an official written
8 statement from the agency or a report or other document that
9 is published and available to the public, the agency shall
10 include a reference to the nonparticipating workforce rate.
11 The bill also requires that when the IWD makes a reference to a
12 workforce term in an official written statement or a report or
13 other document that is published and available to the public,
14 the IWD must also reference each other workforce term.

15 The bill defines "statewide average unemployment rate" as
16 the average seasonally adjusted unemployment rate in this state
17 as published by the department in the third week of the month
18 prior to the current calendar month.

19 The bill defines "work search" as applying for a job by
20 submitting a resume or application to a potential employer
21 in person, through the mail, by electronic means, or by fax
22 transmission; interviewing for a job virtually or in person;
23 taking a civil service exam; or taking a military aptitude
24 exam.

25 The bill strikes language providing that an eligible
26 individual's maximum weekly benefit amount varies with the
27 number of the individual's dependents. The bill instead
28 provides that an individual with dependents will have a weekly
29 benefit amount of 1/22 the individual's highest gross quarterly
30 salary during the individual's base period, subject to a
31 maximum of 57 percent of the statewide average weekly wage.

32 Under current law, the maximum total amount of unemployment
33 benefits payable to an eligible individual in a benefit year
34 cannot exceed 26 times the individual's weekly benefit amount,
35 among other limitations. The bill provides that the maximum

1 total amount of unemployment benefits payable to an eligible
2 individual in a benefit year cannot exceed 12 times the
3 individual's weekly benefit amount if the statewide average
4 unemployment rate, as defined in the bill, is at or below 4
5 percent, calculated on the date the individual applied for
6 benefits. The bill provides for one additional multiple of
7 the individual's weekly benefit amount for each increment of
8 1 percent the statewide average unemployment rate is above 4
9 percent, up to a maximum of 16 times the individual's weekly
10 benefit amount. If the governor has declared a statewide
11 disaster emergency, the amount shall instead be 20 times the
12 individual's weekly benefit amount for the duration of the
13 emergency.

14 The bill provides that if, on the date an individual exhausts
15 all unemployment benefits payable to the individual, the
16 statewide average unemployment rate has increased so that the
17 maximum total amount of benefits for benefit applicants on
18 that date is greater than the maximum amount determined for
19 the individual, then the individual shall receive additional
20 multiple weekly benefits to make up the difference.

21 The bill makes related changes to training extension
22 benefits and certain other unemployment benefits available when
23 an individual is laid off due to the individual's employer
24 going out of business at the factory, establishment, or other
25 premises.

26 The bill requires a person applying for unemployment
27 benefits to complete a certain number of work searches, based
28 on the number of jobs listed as available as published by the
29 IWD on the most recent third calendar week of a month, for
30 each week the person is applying for benefits in order to be
31 eligible for benefits. If the number of available jobs is at
32 or above 60,000, the person must complete a minimum of six
33 work searches each week; if the number of available jobs is
34 at or above 50,000 but below 60,000, the person must complete
35 a minimum of five work searches each week; and if the number

1 of available jobs is below 50,000, the person must complete a
2 minimum of four work searches each week. A work search shall
3 not satisfy an individual's eligibility requirements if the
4 individual previously applied to the same position within the
5 most recent four weeks.

6 The bill requires that, if an individual has received six
7 or more payments of benefits for a benefit year, at least half
8 of the work searches the individual uses to meet eligibility
9 requirements must be from a list of known available jobs within
10 a 50-mile radius of the individual's residence in fields
11 related to employment the applicant held within the most recent
12 10 years, in fields which the applicant has identified an
13 interest, or that require skills that the individual claimed
14 to have when applying for benefits. The bill requires IWD to
15 provide the individual a list of these jobs on a weekly basis.

16 The bill requires an individual to first satisfy a single
17 one-week waiting period during the individual's benefit year
18 prior to receiving unemployment compensation. To satisfy the
19 one-week waiting period, the individual, with respect to the
20 week in question, must otherwise be eligible for unemployment
21 benefits from this state, must not have received or have
22 payable unemployment benefits from this state, and must not be
23 eligible for unemployment benefits from another state.

24 The bill requires a person applying for unemployment
25 benefits to complete one search activity each week as
26 designated by IWD in order to be eligible for unemployment
27 benefits. The search activities are in addition to other
28 work search requirements to receive unemployment benefits.
29 A search activity shall only meet eligibility requirements
30 if the individual has not previously performed that type of
31 search activity during the individual's benefit year in order
32 to remain eligible. The bill directs IWD to adopt rules to
33 implement this requirement.

34 The bill requires IWD to provide an individual applying
35 for unemployment benefits with an email address and an

1 identification number upon the department's initial
2 determination that the individual is eligible for benefits.
3 The email address shall be accessible to both the individual
4 and the department, and shall be the individual's primary
5 source of receiving emails for work searches the individual
6 uses to satisfy unemployment benefit eligibility requirements.
7 The bill also requires the individual to list the email
8 address and the identification number on each application
9 the individual uses in order to maintain eligibility for
10 unemployment benefits.

11 The bill requires that, if the individual has received 16
12 payments of benefits for a benefit year and the individual
13 is eligible to receive extended payments due to a statewide
14 disaster declaration issued by the governor, the individual
15 shall perform at least 20 hours of civic work each week as
16 defined by IWD by rule in order to maintain eligibility for
17 unemployment benefits. Civic work shall include but not be
18 limited to roadside trash pickup, public building and park
19 beautification projects, and volunteering at public schools.

20 The bill requires IWD to conduct audits of the information
21 an individual provides at a minimum once each month to ensure
22 the individual is meeting all eligibility requirements for
23 unemployment benefits. Audits conducted shall include but not
24 be limited to sending a form to employers who the individual
25 claims to have interviewed with for employment for the purpose
26 of collecting the employer's employer identification number;
27 the individual's identification number provided by the
28 department; the date the employer received the individual's
29 application; whether the individual appeared for the interview;
30 whether the individual rejected an offer of employment for the
31 position for which the individual was applying; the date the
32 individual rejected an offer of employment, if any, and the
33 title, wage, and estimated weekly salary for the position for
34 which the individual was applying.

35 A failure to accept an offer of or apply for available

1 suitable work may affect an individual's eligibility for
2 unemployment benefits. IWD uses certain criteria to determine
3 whether work is considered suitable, including whether the
4 offered or available work meets or exceeds an individual's
5 highest gross weekly salary during the individual's base
6 period. The bill changes the percentages the salary available
7 or offered work must meet or exceed in order to be considered
8 suitable. Work must meet or exceed 100 percent of the base
9 period salary, if the work is offered during the first four
10 weeks of unemployment; 75 percent if the work is offered during
11 the 5th through the 8th week of unemployment; 70 percent if
12 the work is offered during the 9th through the 12th week of
13 unemployment; and 65 percent if the work is offered after the
14 12th week of unemployment. Previously, work offered must
15 exceed 100 percent of the base period salary, if the work is
16 offered during the first five weeks of unemployment; 75 percent
17 if the work is offered during the 6th through the 12th week of
18 unemployment; 70 percent if the work is offered during the 13th
19 through the 18th week of unemployment; and 65 percent if the
20 work is offered after the 18th week of unemployment.

21 The bill makes a conforming change to Code section 96.1A,
22 subsection 18.

23 The bill requires IWD to adopt or amend its administrative
24 rules to set the number of search activities acceptable to
25 meet the work search requirements for unemployment benefit
26 eligibility to 16 different types of activities and allow
27 employers to protest a payment of unemployment benefits and
28 protest and sign a notice of claim electronically using a form
29 created by IWD.

30 The bill takes effect January 1, 2023.